

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

CIVIL REVISION APPLICATION No 2000 of 1995

For Approval and Signature:

Hon'ble MR.JUSTICE S.K.KESHOTE

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO
 2. To be referred to the Reporter or not? : NO
 3. Whether Their Lordships wish to see the fair copy of the judgement? : NO
 4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO
 5. Whether it is to be circulated to the Civil Judge? : NO

VIJAYBHAI HARJIVANBHAI

Versus

CHUDASAMA GHANSHYAMSINH KHODUBHA

Appearance:

MR NAGIN N GANDHI for Petitioners

None present for Respondents

CORAM : MR.JUSTICE S.K.KESHOTE

Date of decision: 22/12/1999

ORAL JUDGEMENT

1. The matter was called out for hearing in first round then in the second round and lastly in the third round but none put appearance for the respondents.

2. Heard the learned counsel for the petitioners.

The defendants-petitioners challenge by this revision application the order of the 3rd Joint District Judge, Ahmedabad (Rural) at Mirzapur, Ahmedabad dated 29th September, 1995 passed in civil misc. appeal No. 99 of 1995. Learned trial court has declined to grant the interim injunction as prayed for by the plaintiffs respondents below Ex.5 but the same has been granted by the appellate court. The defendants - petitioners were directed to maintain the status- quo in respect of the suit land till the decision of the regular civil suit No. 47 of 1995. This suit is pending in the court of Civil Judge, (J.D.), Dhandhuka.

3. This revision application was placed for preliminary hearing before this court on 19th October, 1995, on which date, notice was issued and interim relief has been granted. Then this matter was admitted on 9th April, 1996 and the order of the first appellate court has been stayed, which continues for all these years. The suit is of the year 1994 and the respondents are also not opposing this revision application.

4. The interest of justice will be met in case this civil revision application is disposed of in terms that the learned trial court shall decide the suit itself finally within a period of one year from the date of receipt of writ of this order or certified copy thereof, whichever is earlier and till the decision of the suit, the interim relief which has been granted by the court shall continue. Rule and civil revision application stand disposed of accordingly with liberty to both the parties for revival of same in case of difficulty by filing a simple note.

zgs/-